UNITED
NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/304/Add.95
19 April 2000

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-sixth session
6-24 March 2000

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Spain

1. The Committee considered the fourteenth and fifteenth periodic reports of Spain, submitted as one document (CERD/C/338/Add.6), at its 1383rd and 1384th meetings (CERD/C/SR.1383 and 1384), held on 13 and 14 March 2000. At its 1396th meeting, held on 23 March 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the reports submitted by the State party and the additional oral information provided by the delegation, although it was considered that numerous and voluminous annexes to the report in Spanish prevented members from having easy access to essential information. The Committee was encouraged by the attendance of a delegation composed of representatives of many government departments and expresses its appreciation for the frank and constructive responses of the members of the delegation to the questions asked.

3. The Committee acknowledges that the State party has addressed some of the concerns and recommendations set out in the Committee's previous concluding observations. However, the new report is an updating report describing developments in the interim period, rather than the comprehensive one that the Committee requested. Moreover, the new report does not conform fully with the Committee's reporting guidelines.

B. Positive aspects

4. The Committee notes the recent enactment of Organic Law No. 4/2000 on Rights and Freedoms of Foreigners, the implementation of which will be followed closely and with great interest, particularly with respect to regularization schemes for illegal immigrants and the establishment of integration programmes.

5. The Committee encourages the continued implementation and evaluation of the results of the "Gypsy development programme" initiated by the Government in 1989 and conducted in cooperation with Roma associations. It notes with particular interest the favourable effects in the field of housing of measures designed to ensure that the Roma are not discriminated against.

C. Concerns and recommendations

6. The Committee notes with concern that remarkably few cases before national courts have been identified as incidents of racial discrimination, despite a recognized general increase in juvenile violence, including attacks on foreigners by extremist groups, neo-Nazi movements and gangs. It also notes that violence against certain foreigners often results in judicial proceedings alleging assault, unlawful detention and property damage, and that the racial aspect of such acts is not taken into consideration. With reference to article 4 of the Convention, the Committee recommends that the State party register, for inclusion in the next periodic report, statistics of allegations of racially-motivated and related offences, their investigation and the punishment of those responsible.

7. The Committee is concerned about the recent incidents of violence against persons of Moroccan nationality in El Ejido in the region of Almería and is further concerned about reports that the underlying socio-economic problems which provoked these events are also found in other regions of the country. The Committee therefore recommends that the State party take measures to resolve the underlying causes of tension and unrest, not merely on an emergency basis, but as part of a long-term strategy to combat racial discrimination and violence, so as to prevent the recurrence of such incidents. The Committee also wishes to receive further information concerning the criminal proceedings brought against individuals involved in the incidents, and to know to what extent convictions were directly linked to acts of racial discrimination.

8. The Committee notes that no easily accessible information was provided with regard to the status of the inhabitants of Ceuta and Melilla. The State party is requested to provide information on their status and on whether they enjoy, without discrimination, the rights listed in article 5 of the Convention.

9. With reference to article 5 (e) of the Convention, the Committee expresses concern about reports indicating the prevailing discrimination against persons of foreign origin, particularly in the field of employment. The Committee wishes to receive further information on measures taken by the State party to ensure the practical enjoyment by persons belonging to ethnic or national minorities of the rights to work and to equal opportunities for promotion and career development, to education and to housing.

10. While noting the positive measures taken by the State party to ensure that the Roma are not discriminated against, the Committee expresses concern over the high drop-out rates and registered absences of Roma children in primary schools, as well as the low number of Roma completing higher education. The State party is requested to provide information about measures undertaken and planned to ensure equal education opportunities for the Roma minority.

11. With reference to previously expressed concern about reports of racist attitudes on the part of the police and Civil Guard officers, the State party is requested to provide information in its next report on any evaluation made of the effectiveness of non-discrimination training schemes for these officers.

12. The State party is invited to provide further information in its next report on the following issues: (a) the ethnic composition of the population and the principal socio-economic situation of each group; (b) action taken to implement Organic Law No. 4/2000 on Rights and Freedoms of Foreigners effectively; (c) the results of the regularization schemes for illegal immigrants, and (d) measures taken to ensure that laws governing the right to education and linguistic standardization in the Autonomous Communities are not discriminatory in effect.

13. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of State Parties to the Convention.

14. While noting that the State party has made the declaration provided for in article 14 of the Convention, the Committee recommends that the State party review its reservation under article 14, which imposes a restrictive deadline of three months instead of six after the exhaustion of domestic remedies, for the submission of communications to the Committee.

15. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's observations on them be similarly publicized.

16. The Committee recommends that the State party's next periodic report, which was due on 4 January 2000, be a comprehensive report and that it address the points raised in the present observations.